

Arrested for lying on a public beach? Isn't that how tourists get their tans?

BK# 8-7743 STATE OF FLORIDA 13 IN THE COUNTY COURT
 Vs. Smith, Timothy Van IN AND FOR BAY COUNTY
 CS465110115

FIRST APPEARANCE
RCrP 3.130, 3.131

You, Timothy Van Smith Having been arrested on 6/26/08, are informed that a complaint has been made charging you with the below listed offenses and a copy of the charging document(s) is now provided to you. You have a right to remain silent, and if you do not remain silent anything you say may be used as evidence against you in Court. You have a right to be represented by a lawyer, and if you want one and cannot afford to hire one, a lawyer will be appointed for you at no cost to you. You have a right to communicate with your lawyer, family or friends, and if you desire to do so reasonable means will be provided for you to do so. If formal charges are not filed against you within 21 days of your arrest, you will then have the right to demand a hearing to determine whether there is probable cause to detain you on any felony charge that remains against you. You may give up the right to be represented by a lawyer at this first appearance hearing and still insist upon the right to legal representation at future proceedings.

I have read or had explained to me my rights outlined above and I acknowledge receipt of a copy of this form. I (am) (am not) able to hire a lawyer and I (do) (do not) want a lawyer appointed for me at this time.

[Signature] (Counsel for defendant at first appearance) [Signature] (Defendant)

| Arresting Agency | OBTS# | CHARGE | DATE/TIME | COUNTY/CIRCUIT | BOND |
|--|------------|-------------------------|-------------------|----------------|------|
| PCPD | 0301131227 | Lying on a Public Bench | 6/30/08 (1/11) | | |
| I give Jim Bilse man permission to have this paper work. | | | | | |
| <u>Timothy V. Smith</u> 6-27-08 | | | | | |

() If you are released from custody, you will return to Court at 1:30 P.M.
 () Returnable to First Appearance on _____ if not picked up by authorities.
 () To report to Pre-trial Release office immediately upon release from CCA.

All Circuit and County Court appearances will be at the date and time indicated above in the Bay County Courthouse, Panama City, Florida.

The foregoing was voluntarily and knowledgeably signed in my presence after full explanation of the defendant's rights. Having examined the necessary proof at a non-adversary probable cause hearing, I find probable cause (does) (does not) exist for detaining the defendant pending further proceedings.

The following conditions of bail are always applicable: (1) Do not contact the victim in any manner except through proper pre-trial discovery; (2) Do not violate the law.

6/27/08 (Date) _____ (Judge)

McC Prtg. rev 08.03-189

IN THE COUNTY COURT, BAY COUNTY, FLORIDA

#13

ECR

STATE OF FLORIDA, Plaintiff,
vs. Smith, Timothy, Defendant.

JUDGMENT AND SENTENCE
 PLEA IN ABSENCE
 OPEN PLEA
 JURY/BENCH TRIAL

Case No. 08-4641 moms

Charge(s): Laying on Public Beach

The Defendant this day having entered a plea of guilty no contest and having considered the circumstances surrounding the plea and finding that a factual basis exists to accept it; that the Defendant has entered this plea freely and voluntarily following an explanation by the Court of the matters contained therein; and that the Defendant understands what is contained therein, and the Court finding that the Defendant is not under the influence of any drug or spirits and appearing to be of sound mind, it is therefor

ORDERED AND ADJUDGED that adjudication of guilt is withheld the Defendant is adjudicated guilty, and further

Incarceration/Supervision

- The Defendant shall be incarcerated in the County Jail for (2) day(s) on each count: () consecutive () concurrent with Case No. () with credit for (2) day(s) time served. T/S
- County Jail time is suspended until () on the condition that Defendant:
- County Jail time is to be served at the direction of the Probation Officer.
- The Defendant shall be on probation supervised by Judicial Correction Services, Inc., for a period of () month(s). The Defendant shall physically report within 72 hours to Judicial Correction Services, Inc., 303 Magnolia Avenue, Panama City, Florida 32401.
- Supervised Probation will commence upon release from custody. The Defendant shall physically report within 72 hours of release from custody to Judicial Correction Services, Inc., 303 Magnolia Avenue, Panama City, Florida 32401.
- Probation will be reinstated/revoked.
- The Defendant shall be on unsupervised probation for a period of () month(s), during which Defendant will engage in no conduct resulting in the filing of criminal charges against him/her, will carry out all other orders set forth in this Order, and will:
- Failure to complete the sentence as ordered or else obtain a timely extension will result in a jail sentence of () day(s), with credit served of () day(s).

Monetary Obligations

- The Defendant is to pay the Clerk of the Court the following amounts on or before 10/1/08 or else obtain from the judge a timely extension:
 \$ 252 Fine (including costs and surcharge)
 \$ Restitution
 \$ 40 Other
 \$ 252 TOTAL
- Over the probation period as set forth above.
- The above specified fine, including costs and surcharge, shall be reduced to \$ () if a valid Florida Driver's license is presented on or before due date.
- Civil Judgment. I give Jim Bike Man permission to have this arrest paper work
- Apply Cash Bond to fines. Timothy J Smith

Community Service

- Perform () hours community service work over the probation period through your probation officer/in the Bay County Work Program.
- May substitute (30) hours community service work in the Bay County Work Program in lieu of fine and court costs. 6-27-08

Education

- Complete DUI First Offender Program during the probation period and complete alcohol treatment and counseling as required by law.
- Complete DUI Multiple Offender Program during the probation period and complete alcohol treatment and counseling as required by law.

Shall complete the following specified educational requirement () during the probation period () within the time provided to pay the monetary obligations set forth above and provide proof of completion to the Clerk.

- | | | |
|---|---|--|
| <input type="checkbox"/> ADI School | <input type="checkbox"/> Shoplifters Course | <input type="checkbox"/> Anger Management |
| <input type="checkbox"/> Substance Abuse Awareness Course | <input type="checkbox"/> Job Search Workshop | <input type="checkbox"/> Worthless Check Course/Financial Mgmt |
| <input type="checkbox"/> DWLS/R Corrective Measures Program | <input type="checkbox"/> P.A.V.E./Domestic Violence Program | <input type="checkbox"/> Victim Impact Panel |

Miscellaneous

- Produce a valid driver's license by , 20 .
- Defendant's driver's license/privilege to drive in Florida is suspended/revoked for a period of () year(s) () month(s). The Florida Division of Highway Safety and Motor Vehicles may revoke your driving privilege based upon this sentence.
- The Defendant's vehicle shall be immobilized for () days.
- The Defendants vehicle shall have an ignition interlock device installed for () day(s)/month(s)/year(s).
- Other:

THE COURT now advises you that it is your right to appeal from this Judgment and Sentence within thirty (30) days from this date. **Failure to appeal within the thirty (30) day period will be a waiver of your right to appeal.** You are also entitled to assistance of counsel in taking an appeal, and upon your requests and showing that you are entitled to an attorney at the expense of the State, the Court will appoint one for you for the purposes of appeal.

DONE AND ORDERED this , 20 , in Bay County, Florida.

Defendant's Initials: Judge

AER

Distribution: Original - Court File Yellow - State Attorney Pink - Public Defender Goldenrod - Defendant

PROBABLE CAUSE AFFIDAVIT/ARREST NOTICE TO APPEAR

| | | | | | | | | | | | | | | |
|---|--|--|------------|---|--|---|-----------------|---|------------------------------|--|--------------------|--|--|--------|
| OBTS Number | | 1 Arrest Affidavit 3 Complaint Affidavit | | 2 Notice to Appear 4 Request for Capias | | 3 Juvenile | | N | | | | | | |
| Agency ORI FL0030100 | | Panama City Police | | | | Agency Report Number 08-07773 | | | | | | | | |
| Charge Type 1. Felony 3. Misdemeanor 5. Ordinance 2. Traffic Felony 4. Traffic Misdemeanor 6. Other | | 3 | | Co-Defendant None | | | | | | | | | | |
| Location of Arrest (Include Name of Business) 200 Park Street, Panama City, FL (Mckenzie Park) | | | | | Location of Offense 200 Park Street (Mckenzie Park) | | | | | | | | | |
| Arrest Date 06-26-2008 | | Arrest Time 12:26:00 PM | | Cases Cleared 1 | | Weapons Seized/Type 1. Yes 2. NO 2 | | Domestic Violence 1. Yes 2. NO 2 | | Arresting Officer Officer Eric Garmon | | Officer ID 906 | | |
| Defendant's Name (Last, First Middle) Smith Timothy Van | | | | | | Scars, Marks, Tattoos tattoo on left leg, mltple others | | | | | | | | |
| Address (Street, Apt Number) 609 Allen Avenue | | | | City Panama City | | State Florida | | Zip 32401 | | Residence Phone | | | | |
| Business Address (Name, Street) | | | | City | | State | | Zip | | Business Phone | | | | |
| Social Security Number 423-86-1073 | | Race W | Sex M | Date of Birth 10-25-1961 | | Age 46 | Height 5'10" | Weight 170 | Eyes BRO | Hair Color Brown | Complexion Fair | | | |
| Driver's License State/Number Florida 5-530-818-61-385-0 | | | INS Number | | | Place of Birth Unknown | | | Citizenship United States | | Build Average | | | |
| Occupation unemployed | | | | Residence Type 1 City 3 Florida 2 County 4 Out of State | | 1 | | Indication of Alcohol Influence 1 Yes 2 No 3 Unk | | 1 | | Indication of Drug Influence 1 Yes 2 No 3 Unk | | 8 |
| Juvenile's Parents/Custodian Name (Last, First Middle) | | | | | | | | | | Residence Phone | | | | |
| Address (Name, Street) | | | | City | | State | | Zip | | Business Phone | | | | |
| Florida | | | | Florida | | Florida | | Florida | | | | | | |
| Notified By (Name) Officer Eric Garmon | | Date | | Time | | Juvenile Disposition 1. Handled/Processed Within Dept. and Released | | | | 2. Turned Over to HRS/CYF 3. Incarcerated (County Jail) | | | | |
| Released To (Name) | | Relationship | | Date | | Time | | | | | | | | |
| Drug Activity P-Possess S-Sell B-Buy T-Traffic M-Manufacture/Produce/Cultivate R-Smuggle D-Deliver E-Use K-Kidnap/Distribute Z-Other | | | | | | Drug Type A-Amphetamine B-Barbiturate C-Cocaine E-Heroin H-Hallucinogen M-Marijuana O-Opium/Derivative P-Paraphernalia/Equipment S-Synthetic U-Unknown Z-Other | | | | | | | | |
| Charge Lying On A Public Bench | | Counts 1 | | Statute | | MO 20-12 | | Violation of Section (ORD) | | Activity | | Type | | Amount |
| Charge | | Counts | | Statute | | Violation of Section (ORD) | | Activity | | Type | | Amount | | |
| <p>The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named defendant committed the following violation of law: On 06/26/2008 a 200 Park Street, Panama City, Florida, Bay County, Florida (Mckenzie Park) Approximately 1200hrs while on patrol I observed the defendant sleeping on a public bench. The defendant had to be shaken several times to be woke from his sleep. The defendant also smelled of an alcoholic beverage at this time and refused to leave when requested to do so. This is in direct violation of Panama City Municipal Ordinance 20-12, No lying on a public bench or sidewalk. Nothing further.</p> <p><i>I give Bike Man Jim permission to have this paper work Timothy Van Smith</i></p> <p>Pursuant to F.S.S. 938.27, The investigative cost incurred by this agency is \$6-2208</p> | | | | | | | | | | | | | | |
| <input type="checkbox"/> Mandatory Appearance in court | | Location (Court, Room Number, Address) | | | | | | | | | | | | |
| | | Time | | Month | | Day | | Year | | Time | | <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M. | | |
| I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED. | | | | | | | | | | | | | | |
| Signature of Defendant/Juvenile and Parent or Custodian | | | | | | | | | | Date | | | | |
| Victim's name (Last, First, Middle Init.) City Of Panama City | | | | | | | | | | NOTARY SEAL | | | | |
| Victim's Address 1 Harrison Avenue | | | | City Panama City | | State Florida | | Zip 32401 | | | | | | |
| I swear affirm the above and attached statements are true and correct | | | | | | Sworn to and subscribed before me, the undersigned authority this | | | | | | | | |
| Complainant's Signature <i>Eric Garmon</i> | | | | | | 26 | | day | | 26 | | June 2008 | | |
| Name (Printed) Officer Eric Garmon | | I.D. No/Dist. 906 | | Name of Person Authorized to Administer Oath | | | | | | | | | | |